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7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2012-4**

12 **JANET ANNE KOSIK**
814 Boardwalk Place
Redwood City, CA 94065

A C C U S A T I O N

13 Registered Nurse License No. 218978

14 Respondent.

15 Complainant alleges:

16 **PARTIES**

17 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
18 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
19 Consumer Affairs.

20 2. On or about October 31, 1971, the Board of Registered Nursing issued Registered
21 Nurse License Number 218978 to Janet Anne Kosik (Respondent). The Registered Nurse
22 License was in full force and effect at all times relevant to the charges brought herein and will
23 expire on August 31, 2011, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing (Board),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code unless otherwise indicated.
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1 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
2 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
3 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
4 himself or herself, any other person, or the public or to the extent that such use impairs his or her
5 ability to conduct with safety to the public the practice authorized by his or her license.

6 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
7 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
8 or the possession of, or falsification of a record pertaining to, the substances described in
9 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
10 thereof.

11 . . .

12 8. Section 490 of the Business and Professions Code provides, in pertinent part, that a
13 board may suspend or revoke a license on the ground that the licensee has been convicted of a
14 crime substantially related to the qualifications, functions, or duties of the business or profession
15 for which the license was issued.

16 9. California Code of Regulations, title 16, section 1444 provides, in pertinent part, that
17 a conviction or act shall be considered to be substantially related to the qualifications, functions
18 or duties of a registered nurse if to a substantial degree it evidences the present or potential
19 unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or
20 welfare.

21 10. Section 125.3 of the Business and Professions Code provides, in pertinent part, that
22 the Board may request the administrative law judge to direct a licensee found to have committed
23 a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
24 investigation and enforcement of the case.

25 FIRST CAUSE FOR DISCIPLINE
26 (Conviction of a Crime)

27 11. Respondent is subject to disciplinary action under Business and Professions Code
28 sections 490 and 2761(f), as defined by California Code of Regulations, title 16, section 1444, in

1 that respondent has been convicted of a crime substantially related to the qualifications, functions
2 or duties of a registered nurse, the circumstances are as follows:

3 a. On or about November 18, 2010, in a criminal proceeding entitled People of the
4 State of California v. Janet Anne Kosik in San Mateo County Superior Court, Case No. SM
5 370488A, the respondent was convicted by her plea of nolo contendere for violating Vehicle
6 Code section 23152(a) (driving under the influence), a misdemeanor.

7 b. The circumstances surrounding the conviction are that on or about March 30, 2010,
8 at approximately 1450 hours, Redwood City Police responded to the scene of a traffic accident
9 near Winslow Street and Brewster Avenue. When a police officer contacted respondent, he
10 noticed that she was still seated in the driver's seat with her seatbelt on. The police officer noticed
11 that respondent's speech was slurred, slow and thick. Respondent admitted to the police officer
12 that she had taken prescription pain medication and over the counter medications. When
13 respondent was asked to step out of her vehicle, the officer noticed that she was unsteady on her
14 feet. The police officer administered two field sobriety tests which the respondent failed.
15 A search of the respondent's purse revealed several medications with no prescription bottles.
16 Also, recovered from the respondent's purse was a brown glass bottle with a white crystal
17 substance which tested positive to a presumptive test for methamphetamine. Based on the
18 respondent's inability to pass the field sobriety tests, the respondent's physical signs of
19 impairment, and the positive test for methamphetamine, the police officer arrested the respondent
20 for driving under the influence of drugs and possession of methamphetamine.

21 c. On or about November 18, 2010, the respondent was placed on court probation for 3
22 years, ordered to serve 5 days in the County Jail, ordered to pay fines and fees totaling \$1,801.00,
23 and ordered to enroll and complete a 30 hour First Offender Program.

24 SECOND CAUSE FOR DISCIPLINE

25 (Possession of Drugs)

26 12. Respondent is subject to disciplinary action under Business and Professions Code
27 section 2761(a) on the grounds of unprofessional conduct, as defined by Business and Professions
28 Code section 2762(a) in that on or about March 30, 2010, respondent was arrested for driving

1 under the influence of drugs and possession of methamphetamine, as set forth in paragraph 11,
2 above.

3 THIRD CAUSE FOR DISCIPLINE

4 (Use of Drugs to an Extent or in a Manner
5 Dangerous or Injurious to Herself or Others)

6 13. Respondent is subject to disciplinary action under Business and Professions Code
7 section 2761(a) on the grounds of unprofessional conduct, as defined by Business and Professions
8 Code section 2762(b), in that respondent used drugs to an extent or in a manner dangerous or
9 injurious to herself or others, as set forth in paragraph 11, above.

10 FOURTH CAUSE FOR DISCIPLINE

11 (Conviction of a Drug Related Crime)

12 14. Respondent is subject to disciplinary action under Business and Professions Code
13 section 2761(a) on the grounds of unprofessional conduct, as defined by Business and Professions
14 Code section 2762(c), in that respondent was convicted of a crime involving the use of drugs, as
15 set forth in paragraph 11, above.

16 PRAYER

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board of Registered Nursing issue a decision:

19 1. Revoking or suspending Registered Nurse License Number 218978, issued to Janet
20 Anne Kosik;

21 2. Ordering Janet Anne Kosik to pay the Board of Registered Nursing the reasonable
22 costs of the investigation and enforcement of this case, pursuant to Business and Professions
23 Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: July 7, 2011

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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